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Cheryl A. Falvey (CA-2074)
Thomas P. McLish
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Attorneys for Defendant Wendy's International, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADAM JERNOW and LEAH
MCLAWRENCE, on behalf of themselves
and all others similarly situated,

Plaintiffs,

-against -

WENDY'S INTERNATIONAL, INC.,

Defendant.

Case No. 07-Civ-3971 (LTS) (THK)
Hon. Laura Taylor Swain

**NOTICE OF UNOPPOSED
MOTION FOR LEAVE TO
PERMIT ONE ATTORNEY TO
WITHDRAW AS COUNSEL OF
RECORD FOR DEFENDANT**

PLEASE TAKE NOTICE THAT pursuant to Local Rule 1.4 the undersigned hereby moves this Court, before the Honorable Laura Taylor Swain, United States District Judge, in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an order permitting Cheryl A. Falvey to withdraw as counsel for defendant. A declaration setting forth the reasons for the withdrawal and the posture of the case is being filed contemporaneously in support of this motion.

Dated: February 29, 2008
New York, New York

Respectfully submitted,

By: /s/
AKIN GUMP STRAUSS HAUER & FELD
LLP
Cheryl A. Falvey (CA 2074)
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Hon. Laura Taylor Swain

**DECLARATION OF CHERYL
A. FALVEY IN SUPPORT OF
UNOPPOSED MOTION FOR
LEAVE TO WITHDRAW**

I, Cheryl A. Falvey, hereby declare that the following is true and correct and
based on my personal knowledge:

1. I am an attorney with the law firm of Akin Gump Strauss Hauer & Feld
LLP, counsel of record for Defendant. I submit this declaration in support of Defendant's
Unopposed Motion for Leave to Permit One Attorney to Withdraw as Counsel of Record
for Defendant.

2. I am withdrawing from the law firm of Akin Gump Strauss Hauer & Feld
as of March 2, 2008, and I will no longer be representing the defendant in these cases as
of that date.

3. This case is presently in the initial stages of discovery and is not presently on this Court's trial calendar. The parties do, however, have a settlement conference scheduled for March 18, 2008, with Magistrate Katz. If granted, my withdrawal will not interfere with the settlement conference going forward as planned.

4. Plaintiffs' counsel has been advised of this situation and does not oppose this motion.

5. The law firm of Akin Gump Strauss Hauer & Feld will remain counsel of record for Defendant, and Thomas P. McLish will remain the lead attorney for Defendant in this matter.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of February 2008, at Washington, D.C.


Cheryl A. Falvey

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Notice of Motion for Leave to Permit One Attorney to Withdraw as Counsel of Record for Defendant to be served this 29th day of February, 2008, by ECF notification to the following persons:

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COUNSEL FOR PLAINTIFF

/s/

Cheryl A. Falvey